

THE WEATHER

Unsettled tonight and Sunday; probably rain; warmer tonight.

TONOPAH DAILY BONANZA

Metal Quotations

Silver .58
Copper .14%

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TONOPAH, NEVADA, SATURDAY EVENING, MARCH 28, 1914

PRICE 10 CENTS

FRANK WILDES DISMISSES LIBEL AGAINST BONANZA

Discredited Official Sidesteps Trial Set for April 6 In Tonopah
Charlton, Who Killed Elko Girl
At Como, Stirs Up Sympathy
STING OF SUPREME COURT LASH
STILL SMARTING TIMID PLAINTIFF
WHO VIRTUALLY PLEADS GUILTY

(By Associated Press.)
COMO, Italy, March 28.—Porter Charlton, the young American who killed his wife, Mary Scott Charlton, when they were spending their honeymoon here in June, 1910, has acquired a sufficient knowledge of Italian to avail himself of the privilege under the Italian law to be the first and the last to address the jurors

before whom he is to be tried on the charge of murder.
Sympathy for the accused youth has been demonstrated frequently during his detention in the San Donato jail, since extradition from the United States last August. While Charlton has been studying the language of the country his lawyers have been working up public opinion in his

favor. The effect is apparent. Visitors to the jail are many and privileges have been granted to the prisoner by the director and keepers of the jail. His meals are served from the outside. Good food and daily exercise in the court yard of the palace of justice have kept him in fine health.

It may be mid-summer before the case is tried, delays being due to extended investigations undertaken by both sides.

Charlton's lawyers have been getting in touch with numerous witnesses in America. Twenty of them have been subpoenaed and it is expected that several may appear personally before the court of assizes at Como to contribute their testimony as to the psychological condition of the accused.

While the case is now in the sense that it is the first time an American citizen has been extradited and tried in Italy, it does not differ greatly from the so-called crimes of passion so frequent here.

"Studying the terrible drama, we have become convinced and will demonstrate," say Charlton's lawyers in a sketch of the theories they will pursue, "that an obscure and inevitable fatality presides over these awful crimes, which grow from love to death, from the idyl to tragedy, by which a human life is suddenly cut short by the hand of a creature who loved, and who still passionately loves, and who after the crime remains terrified, weakened, and stunned by what he has done, incapable of believing that the blood was shed by him."

"Charlton, of weak character, inexperienced, overwhelmed by the artful attractions of Mary Scott, was captured by an almost pathological fascination, had his conscience weakened and enslaved and became the easy tool of incoherent and illogical excuses."

"To prove this we have added to the documents of the trial the interviews with Dr. Procaccini, major in the royal navy, who traveled as royal commissioner abroad the steamer which brought Charlton from New York to Naples. Dr. Procaccini, after having studied Charlton for about two weeks, expressed the opinion that at the time of the crime he was in a state of 'moral infamy,' and therefore in a condition of not realizing the enormity of what he had done."

"In the majority of cases these crimes arouse the pity, not the severity of the jurors. If the accused is acquitted the reason will not be found in sentimentality or distortion of the human sense of justice, but rather in the conviction of the jurors that human agencies should not inflict further penalties upon the man before them who, having made a victim of another, is himself the victim of an exorable fate."

"We shall prove before the court of assizes that the Charlton drama is due to an aberration which upset the normal mental faculties of the accused. This will clearly appear from the interrogation of witnesses, and our contention will be further supported by the testimony of Italian alienists."

CANDIDATES FOR SCHOOL TRUSTEE

NOMINATIONS OF THREE WELL KNOWN CITIZENS FILED THIS MORNING

The school ticket was completed this morning by the filing of the acceptances of Louis A. Herring, mine engineer; Orlando McCrany, civil engineer; and J. B. Tregloan, superintendent of the MacNamara mill. Registration began this morning at the store of George J. Lewis, near the corner of Main and Brouncker, where voters may enter their names until Monday evening.

TEMPERATURE REPORT
Highest temperature yesterday, 44; a year ago, 54.
Lowest temperature last night, 30; a year ago, 38.

Frank L. Wildes, receiver for the defunct State Bank and Trust Company, has dismissed his suit against the Bonanza Publishing Company asking for judgment for \$30,000 damages alleged to have been sustained through publication in the Bonanza of an article accusing Wildes of malfeasance in office.

Robert C. Pohl, clerk of the district court for the fifth judicial district of Nevada, received notice yesterday from Mack, Green and Heer, counsel for Wildes, that the suit entitled Frank L. Wildes, plaintiff, versus Tonopah Bonanza Publishing Company, a corporation, and W. W. Booth, defendants, had been dismissed at the request of the plaintiff and the case was stricken from the calendar. The case had been set for hearing on April 6th before a jury and the dismissal is a confession that the plaintiff was in error in instituting the suit and that there was no ground for the claim. This suit was filed on the 22d day of April, 1913, and since that time the plaintiff has by all sort of subterfuges delayed a hearing on the merits and now, after almost a year of procrastination, comes into court and admits there is no foundation for the demand.

The Bonanza acknowledges the ability, acumen and energy

in the language of the complaint. "The said action is brought to obtain a judgment against you in the sum of \$30,000 damages, for that you, said defendants, on or about the 12th day of March, 1913, at Tonopah, Nevada, did wrongfully and with malice publish and cause and procure to be published in the 'Tonopah Daily Bonanza,' a newspaper, of and concerning the plaintiff certain false and defamatory words, more particularly set forth in said complaint charging and intending to charge thereby this plaintiff with having committed perjury."

The complaint further sets forth that the plaintiff on the 15th day of May, 1908, by the district court of the State of Nevada, in and for the county of Ormsby, was regularly appointed receiver of the State Bank and Trust Company; that the plaintiff filed his bond and took the oath of office as such receiver and that during all that time the plaintiff has honestly, properly, energetically and lawfully conducted the affairs of said receivership and applied to the same his entire time except when incapacitated by illness.

The complaint then cites the editorial of the Bonanza as follows:
Recall or Impeach
Perjury on the part of Frank L. Wildes, receiver of the State Bank and Trust Company, and also on the

Cambridge Wins Boat Race

(By Associated Press.)
LONDON, March 28.—Cambridge easily defeated Oxford at the annual eight-oared race on the Thames. The distance of four and one-fourth miles was covered in 20 minutes and 23 seconds, and won by four and a half lengths.

Fourteen spectators were hurt when a platform collapsed, throwing 150 into the hold of a barge.

TOLLS BILL HIGH PRICE OF PEACE
25,000 MEN OUT OF WORK

(By Associated Press.)
WASHINGTON, March 28.—The legislative battle over the repeal of tolls exemption was renewed in the house, with administration leaders confident of victory in the final struggle by the vote on Tuesday or Wednesday.

The contest is largely oratorical. Underwood, Fitzgerald and Mann throughout the day maintained a continuous attack upon the administration forces.

Harrison of Mississippi admitted a desire to support the president but said he was "unable to reconcile his conscience to Wilson's view and a surrender to Great Britain of national honor and integrity." He said free tolls would benefit the west and south especially.

Knowland assailed the repeal proposition as "surrendering to Great Britain without a struggle." He contended that Wilson had been imposed on and erred in judgment in handling the Mexican situation.

"Is the canal the price of the elimination of Huerta?" he demanded. The House is proceeding on the Sims bill under a 20 hour debate agreement. Meanwhile the Senate is debating the subject generally.

The Coffin Makers' Union is considering a general strike.

manifested in this defense by the Hon. William Forman, attorney, and expresses an additional regret that the withdrawal of the case deprived the public of a lucid and convincing exposition of the facts underlying the suit.

The Bonanza has always believed this would be the end of the case, as it was only brought for the purpose of counteracting the strong feeling engendered at the time by the disclosures of the special legislative committee and, by commencing suit, the Bonanza would be led into showing its hand by publishing the inside ramifications of the infamous bank looting or be coerced into making an apology. Appended is the editorial on an article sent by a special correspondent of the Bonanza from Carson City, on which the suit was based. Since then the supreme court of the State of Nevada has virtually upheld the charges in toto and vindicated the course of the Bonanza in presenting the shocking state of affairs for the judgment of the suffering creditors.

At this stage the Bonanza can only state that it regrets that the suit did not come to trial as depositories would like to have seen Frank L. Wildes in Tonopah and have an opportunity of asking him a few pertinent questions.

part of District Judge Frank Langan, appears to have been committed, according to the startling evidence placed before the assembly yesterday by Assemblyman Kellner of Tonopah. Wildes declared that he had devoted his entire time to the conducting of the affairs of the receivership office when asking for an order allowing him \$10,000 yearly salary, and the court in ruling also declared that the sum of \$10,000 appeared reasonable as the entire time of the receiver was occupied in the performance of his duties.

"What a farce,"
The startling discovery that Wildes had drawn a salary of \$166 monthly for 16 months from the State, after his appointment as receiver of the defunct bank, comes as a fitting climax to the disgraceful condition that has long been tolerated. Wildes drew a salary from both the State and from the bank. He could not serve two masters at the same time nor could he have earned the salary received from the State if, according to his statement and also the statement of Judge Langan, he devoted his entire time to the bank receivership.

"Judge Langan committed a breach of public trust in allowing such a salary to his appointee while such appointee was under salary to the State, and it should be the duty of Langan to immediately submit a ruling rescinding his former order. In addition, it should be the duty of the court to immediately remove Wildes from the office he now holds, and in his stead appoint a man whose honesty and integrity is not doubted."

"The immediate recall of Judge Langan, or his impeachment, should also follow as soon as the law will permit such action. The Bonanza contends that Judge Langan is not a fit person to occupy the bench of a district court, for by the disclosures he made yesterday, his inability to protect the depositories of the long defunct bank is clearly shown. It is within the power of the legislature to impeach Langan, and this action should be taken without delay. Furthermore, the impeachment of the jurist should precede the appointment of a successor to Wildes, for by this action the depositories can only be assured of a receiver who will protect their interests."

"Judge Langan has not performed his duty in a manner that would protect the interests of the defunct bank's creditors. Had he done so he would have ordered the initial report of Wildes forwarded to the depositories, instead of being destroyed after being printed. The court knows of the disappearance of the reports for the matter has been given publicity, not only in the Bonanza, but in the Goldfield Tribune and also in the Reno Journal, in addition to other state papers. The matter has been discussed broadcast. It is common talk all over the State. And yet Judge Langan has remained inactive."

"Whatever the motive may be that lies behind the inactivity of Judge Langan can only be surmised, and to

the mind of those interested in the affair it is hinted only a source of revenue could account for the manner in which Langan tolerated the dishonest methods of Wildes."

The answer of the defendants admits that at the time of the appointment of Wildes as receiver of the State Bank and Trust Company that there were depositories and creditors to the number of about 4000, a large percentage of whom were residents of Southern Nevada and subscribers to the 'Tonopah Daily Bonanza' and as such subscribers and readers were interested in all matters concerning the condition of said estate and any and all matters concerning the same were matters of public interest to such readers and subscribers."

"That at the time of the publication of the alleged libellous articles set forth in plaintiff's amended complaint, the legislature of Nevada was in session for some time prior hereto; that while so in session the general assembly of the State of Nevada, by resolution, authorized the investigation of the receivership of said State Bank and Trust Company, of which plaintiff was receiver; that on the eleventh day of March, 1913, a report of the committee on said State bank investigation was introduced and filed, and became a public record in the senate and assembly of said State of Nevada."

Here follows a copy of the report. The recital continues with the statement that Wildes held two offices and drew two salaries in violation of his oath.

The answer also states that defendant printed the matter as one of great public interest and that the comments upon the same and the article published in the Bonanza were fair and reasonable and justified by the facts and were privileged. In conclusion defendant set forth that as there was a case before the supreme court on appeal from the district court, pending and undetermined, that the matters embraced in said motion include and embrace the facts upon which the alleged libellous article set forth in plaintiff's amended complaint were based; that the action of plaintiff on account of said article is prematurely brought, and that the rights of the parties in this action cannot be fully determined with justice to both, until the final determination of said matter now pending in the supreme court of the State of Nevada and asks that the defendant be discharged with his costs in this behalf paid out and expended.

New York State Suffers Floods

(By Associated Press.)
ALBANY, N. Y., March 28.—The State is generally experiencing floods that are serious at some points on the lowlands of the Hudson river, and dwellers are moving to safety.

Dog and Man of the Stone Age Exposed to View In Museum

(By Associated Press.)
ROME, March 28.—The only complete skeleton in Italy of a dog of the stone age is now on view in the Ancona museum. The animal following its master is believed to have roamed the valley of the Po several thousand years ago. Dog and man were buried together and their bones are today displayed in the ancient tomb from which they were unearthed.
This "canis palustris Rutimayeri" to give this ancient dog an official name—evidently is a cross between the dog of today and the jackal.
The skeleton of the man also is highly interesting, because of the peculiar manner in which it is hunched together. The thigh bones are bent over the abdomen and the arms raised, with the hands over the face. It thus shows a striking resemblance to the skeletons of the same period found in Egypt.

DEATH OF WILLIAM L. JOHNSON WHO HELPED BUILD UP TONOPAH

William S. Johnson, one of the most prominent men interested in Tonopah and Nye county, died last night at 9:30 o'clock after an intermittent illness due to heart trouble. The remains will be held until word is received from the family, when funeral arrangements will be announced.

Mr. Johnson was a true type of the energetic Nevadan. Self made springing from the range, he branched

MONOPOLY PROVOKES PROTEST

PRESIDENT WILSON MAKES A PLEA FOR THE STAND-ARND OIL

(By Associated Press.)
BERLIN, March 28.—The United States ambassador has presented the German government with a note protesting against the petroleum monopoly bill recently introduced in Parliament. The memorandum expresses the confidence of the United States government that certain injustices toward American investors contained in the bill will disappear before enactment. The United States expects American investors will be fairly compensated for investments cancelled by the measure. Belief is expressed by some of the legislators the bill may be killed, making American protests unnecessary.

HEAVY FIGHTING AT FRONT NEAR TORREON

(By Associated Press.)
JUAREZ, March 28.—Heavy fighting at Turreon is progressing, Villa reported. Details are lacking.

Floods In Ohio Are On the Way

(By Associated Press.)
COLUMBUS, O., March 28.—With rivers and streams climbing a foot an hour and many overflowing their banks, a recurrence of the disastrous floods of a year ago is feared. Damage so far is slight.

Advertise in the Bonanza.

MUNICIPAL DOCK COSTING MILLION ON THE COLUMBIA

(By Associated Press.)
PORTLAND, Ore., March 28.—The first unit of the municipal dock was formally opened with great ceremony by the mayor and commissioners at the beginning of a comprehensive plan costing millions to improve the harbor. The site and construction of the dock cost over 1,000,000.

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